

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton; and
Robert G. Taub

Pace Post Office
Pace, Mississippi

Docket No. A2012-50

ORDER GRANTING MOTIONS REQUESTING EXTENSIONS OF TIME
AND MODIFYING PROCEDURAL SCHEDULE

(Issued January 9, 2012)

Order No. 979 established December 8, 2011 as the deadline for filing initial briefs supporting the petition for review.¹ Petitioners Leflore, Sr., and Allen (Petitioners) filed two motions requesting extensions of time to file their initial brief supporting their petition.² The Motions are granted. The procedural schedule is revised as set forth below.

¹ Notice and Order Accepting Appeal and Establishing Procedural Schedule, November 18, 2011, at 5 (Order No. 979).

² Motion Requesting an Extension of Time to File Petitioners' Initial Brief, December 9, 2011 (December 9 Motion); Motion Requesting an Extension of Time to File Petitioners' Initial Brief, December 15, 2011 (December 15 Motion). The December 9 Motion and December 15 Motion are together referred to as Motions.

On December 9, 2011, Petitioners requested an extension of time to file their initial brief until December 15, 2011. December 9 Motion at 1. They argue that good cause exists for the extension because counsel for Petitioners was out of town and did not receive notice of the deadline until a few days before the initial brief was due. *Id.* at 1-2.

On December 15, 2011, Petitioners filed a second motion requesting an extension of time to file their initial brief until December 29, 2011. December 15 Motion at 2. They explain that they need additional time due to counsel's unexpected illness. *Id.*

On December 28, 2011, the Postal Service filed a notice stating that it contacted Petitioners' counsel regarding the status of the initial brief.³ The Postal Service asserts that, based on its understanding, the Motions were filed due to health concerns and that Petitioners intend to file their initial brief by January 1, 2012.⁴ The Postal Service indicates that it will file an answering brief by January 9, 2012. *Id.*

By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. 404(d)(5). The procedural schedule set forth in Order No. 979 was established to accommodate this statutory deadline. The Commission understands that unexpected circumstances, such as an illness, may prevent participants from filing pleadings on time. However, in future cases, participants should attempt to file their pleadings as close as practicable to the deadlines set forth in the procedural schedule to ensure that the Commission has sufficient time to issue its decision by the statutory deadline.

In this case, the procedural schedule can be modified to accommodate Petitioners' requests for extensions. The Motions are granted. The procedural schedule is revised as follows:

³ United States Postal Service Notice, December 28, 2011.

⁴ As of January 6, 2012, Petitioners have not filed an initial brief supporting their petition.

January 12, 2012	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 CFR 3001.115(a) and (b))
January 19, 2012	Deadline for answering brief in support of the Postal Service (see 39 CFR 3001.115(c))
January 26, 2012	Deadline for reply briefs in response to answering briefs (see 39 CFR 3001.115(d))
February 2, 2012	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116)
February 15, 2012	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5))

It is ordered:

1. The Motion Requesting an Extension of Time to File Petitioners' Initial Brief, filed December 9, 2011, is granted.
2. The Motion Requesting an Extension of Time to File Petitioners' Initial Brief, filed December 15, 2011, is granted.
3. The revised procedural schedule set forth above is hereby adopted.

By the Commission.

Shoshana M. Grove
Secretary